



03 SEP 2004

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Joseph S. Tripoli
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PO Box 5312
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In re Application of BASSET	:	
U.S. Application No.: 09/980,389	:	DECISION ON PETITION
Int. Application No.: PCT/FR00/01464	:	
Int. Filing Date: 29 May 2000	:	UNDER 37 CFR 1.47(b)
Priority Date: 02 June 1999	:	
Attorney Docket No.: SCP061817	:	
For: COMMUNICATION INSTALLATION FOR	:	
COLLECTIVE DATA RECEPTION	:	

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(b) FOR ACCEPTANCE OF APPLICATION WITHOUT PARTICIPATION OF INVENTOR" filed 12 November 2003.

BACKGROUND

On 29 May 2000, applicant filed international application PCT/FR00/01464, which claimed priority of an earlier French application filed 02 June 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 16 December 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 03 December 2001 (02 December 2001 being a Sunday).

On 29 November 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the requisite basic national fee required by 35 U.S.C. 371(c)(1).

On 11 February 2002, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 23 July 2002, applicant filed a petition under 37 CFR 1.47(b). The petition was accompanied by, *inter alia*, a petition and fee for a four month extension of time, the surcharge for filing of the oath or declaration beyond thirty months from the priority date, a declaration executed by Joseph Tripoli for non-signing inventor Jean Claude Basset, copies and translations of e-mail messages to and from Jean Claude Basset, copies and translations of registered letters

to Jean Claude Basset, a copy and translation of a contract transferring proprietary rights to Thomson Multimedia Digital France, and a power of attorney to Joseph Tripoli from Thomson Multimedia Digital France.

On 14 May 2003, the DO/EO/US mailed a Decision On Petition indicating that applicant's petition filed 23 July 2002 was dismissed without prejudice.

On 12 November 2003, applicant filed the instant renewed petition. The petition was accompanied by, *inter alia*, a declaration from Frederique Dersoir describing the particular steps taken in an attempt to obtain Mr. Basset's signature, a declaration of inventorship executed on behalf of the non-signing inventor by Joseph S. Tripoli who is indicated in the declaration as being the Senior Vice President of Thomson Multimedia Licensing, Inc., a copy of Mr. Basset's offer of employment, a copy of relevant French law, a declaration by Brigitte Ruellan indicating that, based on French law and the evidence of record, that DAT acquired proprietary interest in the instant invention from Mr. Basset, and a certified copy of the priority document.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(i), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. See 37 CFR 1.47(b).

With regard to item (1) above, the requisite fee was provided in the original petition filed 23 July 2002.

With regard to item (2) above, exhibits A-D and the declaration of Frederique Dersoir demonstrate that a bona fide attempt was made to present a copy of the application papers to Mr. Basset for signature and that Mr. Basset's inaction constitutes a refusal or unwillingness to sign.

With regard to item (3) above, the original petition filed 23 July 2002 states the last known address of the nonsigning inventor.

With regard to item (4) above, the declaration that accompanied the instant renewed petition satisfies the requirement.

With regard to item (5) above, the 37 CFR 1.47(b) applicant has now demonstrated sufficient proprietary interest in the subject matter.

With regard to item (6) above, the filing of the petition under 37 CFR 1.47(b) was

necessary in order to avoid abandonment of the application.

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

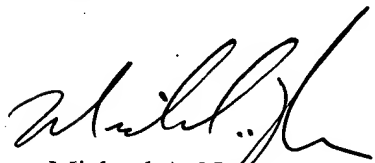
CONCLUSION

In view of the above, the petition under 37 CFR 1.47(b) is GRANTED.

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

The application is being forwarded to the DO/EO/US for further processing under 35 U.S.C. 371, including according a date under 35 U.S.C. 371(c)(1), (2) and (4) of 12 November 2003.



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France

In re Application of
BASSET

Application No.: 09/980,389

PCT No.: PCT/FR00/01464

Int. Filing Date: 29 May 2000

Priority Date: 02 June 1999

For: COMMUNICATION INSTALLATION FOR COLLECTIVE DATA RECEPTION

Dear Mr. Basset,

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would assumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

A handwritten signature in black ink, appearing to read "Michael A. Neas".

Michael A. Neas
PCT Special Program Examiner
Office of PCT Legal Administration

A handwritten signature in black ink, appearing to read "Boris Milef".

Boris Milef
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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of the sole inventor. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Jean Claude Basset) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/FR00/01464 and was filed on 29 May 2000 in the name of Jean Claude Basset for the invention entitled COMMUNICATION INSTALLATION FOR COLLECTIVE DATA RECEPTION. The national stage application number is 09/980,389 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of 12 November 2003.